

REMARKS

The Application has been carefully reviewed in light of the Office Action mailed December 1, 2006. Claims 1-62 are pending in this application. Claims 1-62 stand rejected. Reconsideration and allowance of all pending claims is respectfully requested in view of the following remarks.

Applicants note that the Examiner asserts that the claimed subject matter is not entitled to the date of the provisional application to which this application claims priority. While Applicants dispute such conclusion, the date of the provisional application is not necessary to overcome the Examiner's current rejections.

Rejections Under 35 U.S.C. § 103:

Claim 1

The Examiner has withdrawn the previous rejection of Claim 1 and now asserts that Claim 1 is not allowable under 35 USC 103(a) over U.S. Pub. No. 2002/0129067 to Dames et al. ("Dames") in view of U.S. Patent No. 6,199,076 to Logan ("Logan"). The Examiner asserts that Dames teaches certain elements of Claim 1, but admits that Dames does not disclose either an advertisement server or inserting advertisements into use requested content. In fact, Dames does not disclose "an advertisement server that hosts advertisements in a text-based format," "means, responsive to a user request via the client device for Web content, for retrieving an advertisement from the advertisement server," "means for inserting the retrieved advertisement within the user requested Web content," or "means for forwarding the user requested Web content and advertisement to the text-to-speech transcoder for conversion to an audio format and subsequent delivery to the user client device." Since the Examiner admits that Dames does not disclose advertisements in any manner, Dames cannot possibly be relied upon to teach any of the foregoing limitations, all of which reference interaction with such advertisements. In fact, Dames is nothing more than a disclosure of a system for translating web content to audio content for delivery to clients using audio devices. Applicants admitted in the original application that such systems were well known at the time of filing. Logan, the other reference relied upon by

the Examiner, does not teach “means for forwarding the user requested Web content and advertisement to the text-to-speech transcoder for conversion to an audio format and subsequent delivery to the user client device.” Indeed, as further described previously and relative to Claim 57, it teaches exactly the opposite. Additionally, as further described previously and relative to Claim 57, such teaching away means that there could not possibly be a suggestion in Logan to combine its teachings with a text-to-audio translator in order to arrive at the claimed invention that Logan expressly teaches away from and recites disadvantages of.

Claim 9

Claim 9 recites “means for forwarding the user requested Web content and advertisement to the text-to-speech transcoder for conversion to an audio format and subsequent delivery to the user client device.” As described relative to Figure 1, neither Dames nor Logan teaches such a limitation and Logan teaches exactly the opposite. For at least these reasons, Claim 9 is allowable over the cited prior art. As Claims 10 through 19 depend from Claim 9, Applicants respectfully submit that such claims are also allowable.

Claims 20, 27, 39, and 46

With regard to Claims 20, 27, 39, and 46, the Examiner has still not provided any specific rejection of any of such independent claims. The Examiner merely states that they are similarly suggested for at least the reasons set forth for Claims 1 and 9. Applicants respectfully submit that Claims 20, 27, 39, and 46 are not identical to Claims 1 and 9 and that a prima facie case of obviousness has not been made with respect to any of such claims. Further, Applicants reiterate each of the remarks set forth above with respect to Claims 1 and 9. For at least these reasons, Applicants respectfully submit that Claims 20, 27, 39, and 46 are allowable over the recited prior art. As Claims 21-26, 28-38, 40-45, and 47-56 depend from Claims 20, 27, 39, and 46 respectively, Applicants respectfully submit that such claims are also allowable.

Claim 57

The Examiner continues to maintain the rejection of Claim 57, this time relying on Wu in view of Logan. Interestingly, the Examiner withdraws the rejection based on Jimenez but retains a rejection based on Logan where such combination is directly contrary to the teachings of Logan. In particular, and contrary to past assertions, the Examiner asserts that Logan is only necessary to recite the teaching of the translation of text into audio and to teach that advertisements can be stored. Applicants admit that Logan teaches that text can be translated to audio. Applicants have admitted that such teaching is common knowledge in the originally filed application. However, as extensively remarked upon by Applicants without satisfactory response, the Examiner's sole basis for combination is the mere desirability of combining the two references. To reiterate Applicants remarks from the latest response:

Even if desirability were enough when the case law clearly indicates it is not, the Examiner is actually suggesting that one of ordinary skill in the art would somehow be suggested to implement the system COUNTER to the client-side processing of Logan. THE PENULTIMATE TEACHING OF LOGAN IS THE USE OF THE CLIENT TO PERFORM FUNCTIONS PREVIOUSLY PERFORMED BY A SERVER PRIOR TO COMMUNICATION TO THE CLIENT. In fact, Claim 57 expressly recites that "the selected advertisement has been delivered to the user client device IN AN AUDIO FORMAT." Logan teaches AWAY from such a system and expressly states the

disadvantages of such a system. Yet, the Examiner maintains that one of ordinary skill in the art should somehow proceed in an entirely opposite direction from Logan in picking and choosing certain disclosures of Logan and combining them to come up with a system Logan teaches against. Logan expressly states that any speech conversion be performed at the client because text uses less bandwidth. See Column 6, lines 22 through 37.

Contrary to the Examiner's assertion, Claim 57 does recite delivery of an advertisement with a text-based format that is eventually delivered to a client device in an audio format. Again, Logan teaches against such delivery to preserve bandwidth.

For at least these reasons, Applicants respectfully submit that Claim 57 is allowable over the cited prior art. As Claims 58-62 depend from Claim 57, Applicants respectfully submit that such claims are also allowable.

CONCLUSION

For the foregoing reasons, and for other apparent reasons, Applicants respectfully request reconsideration and favorable action. If the Examiner feels a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe that no fee is due, however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-2816 of Patton Boggs, L.L.P.

Respectfully submitted,

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